



**BARTHOLOMEW COUNTY
BOARD OF ZONING APPEALS
(October 24, 2011 Meeting)**

STAFF REPORT

Docket No. / Project Title: B/DS-11-05 (Matthew Smith)
Staff: Thom Weintraut

Applicant: Matthew Smith
Property Size: 1.27 Acres
Current Zoning: AG (Agriculture: General Rural)
Location: 8951 South State Road 58, in Ohio Township

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 6.1(F)(2) is for the purpose of allowing the total lot coverage of accessory structures to exceed the amount equal to the ground floor area of a primary structure on a lot of less than 2 acres. The petitioner is requesting to build a 40 x 50 foot (2000 sq. ft.) accessory building. The area of the primary structure is 1436 sq. ft. and the total area of all the current accessory structures is 1091 sq. ft.

Preliminary Staff Recommendation:

Denial, criteria 3 has not been met.

If the Board should choose to approve the Development Standards Variance, the follow conditions should be attached:

1. The applicant shall remove the 2 smallest (the 8 x 12 and then 10 x 12 storage buildings) accessory buildings prior to occupying the new barn.
2. The applicant shall store all vehicle parts within an accessory structure..
3. The applicant shall get approval for the driveway location for the new barn from the Bartholomew County Highway Department.
4. An Administrative Subdivision shall be recorded vacating the property line between the lot with the residence and the lot where the proposed barn will be build

Zoning Ordinance Considerations:

District Intent: The intent of the AG (Agriculture: General Rural) zoning district is as follows: This district is intended to provide areas for a mixture of agriculture and residential land uses. This mixture is intended to support the long-term viability of agriculture operations while also allowing increased non-agriculture development in areas adjacent to developed infrastructure. This district should be used to provide unique, rural housing options and the future ability to extend urban infrastructure.

Development Standards: In addition to the lot coverage requirements mentioned in the variance request, Section 6.1(F)(2) also states that the total number of accessory structures on a parcel of less than 2 acres shall not exceed 5 and there is a maximum of 2 of any one type of accessory structure.

Current Property Information:	
Land Use:	Single-family residential
Site Features:	The lot contains a 1 ½ story dwelling, a 25 x 35 foot detached garage, a 10 x 12 foot storage building, an 8 x 12 foot storage building. The lot is also moderately wooded, particularly on the eastern portion.
Flood Hazards:	There are no flood hazards located on the property.
Vehicle Access:	The property currently has driveway access from State Road 58 (State Road Arterial) and has a drive located on County Road 550 South (Local Road).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	AG (Agriculture: General Rural)	Single-family residential
South:	AG (Agriculture: General Rural)	Single-family residential and agriculture
East:	AG (Agriculture: General Rural)	Single-family residential
West:	AG (Agriculture: General Rural)	Single-family residential

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The property is located in an area that is a cluster of single-family residential lots that vary from less than 1 acre to approximately 5 acres. The dwelling is located on a 1 acre lot and the location for the proposed barn is a separate 0.27 acre parcel. If approved, the petitioner plans to file an administrative subdivision combining the two parcels into one.
2. There are several properties in this area that have multiple detached accessory buildings which include detached garages and agriculture buildings that were part of a previous farmstead.
3. The property contains a dwelling that has a footprint of 1436 square feet. The dwelling is a 1 ½ story structure that contains a total finished area of 2154 square feet.
4. The property has a detached garage that is 875 square feet, a 120 square foot storage building and a 96 square foot storage building for a total of 1091 square feet of accessory building area which is 76% of the total foot print of the dwelling. The proposed barn is 2000 square feet and when combined with the existing buildings brings the total accessory building area to 3091 square feet or 215% of the foot print of the primary structure. If the 2 small storage buildings are removed, the proposed accessory building lot coverage would be at 200% reducing the non-conformity by 15%.
5. Lots of less than two acres are typically used for residential and not used agricultural purposes. These lots are often times clustered in areas that create rural residential subdivisions. The purpose of the limits on accessory building area is to protect the character of the surrounding residential properties.
6. The existing detached garage has been added to several times since its initial construction and is an amalgamation of spaces. The additions constructed on the rear extended the roofline to perimeter walls which are less than 8 feet in height.

7. The petitioner would like to use the new structure to house a car restoration project and to store personal vehicles that require a 9 foot high entry door. The door on the existing garage is less than 9 feet.
8. The petitioner plans to locate the barn on the eastern side of the lot in a grove of trees
9. The nearest location of any residential structures is 140 feet to the east, 170 feet to the south and 200 feet to the northwest.
10. The Department of Technical Code Enforcement will review a final, more detailed site plan before issuing a building permit.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The proposed barn will meet the required building setbacks including the front yard setback from County Road 550 South. The petitioner stated the proposed structure will be used to store the personal vehicles as well as other equipment related to the restoration of a project car. The approval will not be injurious to the public health, safety, morals, and general welfare of the community. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The surrounding area is generally single-family residential with many of the dwellings, dating to the mid 20th Century, having small foot prints and detached accessory buildings. The location of the nearest residential structure is approximately 140 feet to the east of the proposed barn. The barn will be located to the rear of the property in an existing grove of trees and will provide indoor storage for the numerous motor vehicles and parts associated with a restoration car project. The approval will not adversely affect the use and value of the area adjacent to the property. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: The petitioner has not demonstrated that the terms of the Zoning Ordinance have resulted in practical difficulties in the use of the property. The petitioner has not indicated why the proposed barn cannot meet the area requirements of Section 6.1(F)(2) or why the antiquated garage on the property could not be replaced with a new structure. *This criterion has not been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.